



By ECF

July 30, 2020

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Fish & Richardson P.C.
7 Times Square
20th Floor
New York, NY 10036
212 765 5070 main
212 258 2291 fax

Michael T. Zoppo
Principal
Zoppo@fr.com
212 641 2268 direct

Re: *Cepeda v. United States et al.*, No. 19 Civ. 5967 (LGS)

Dear Judge Schofield:

The parties have conferred as per your July 28, 2020 Order (Dkt. No. 78) and jointly represent as follows. The parties have each retained one independent medical expert (“IME”) to evaluate Ms. Cepeda’s medical malpractice claims. These are the only experts in the case and no other experts are anticipated. Prior to the recent and unforeseen COVID-19 quarantine measures, the parties had agreed upon a schedule for expert discovery in order to meet the Court’s September 30, 2020 deadline for the close of expert discovery. *See* Dkt. No. 73.

The agreed-upon schedule allowed for plaintiff’s IME to perform Ms. Cepeda’s medical evaluation in early August and for plaintiff to serve its opening expert report on August 21, 2020. Defendant’s IME would then perform a medical examination and defendant would serve its rebuttal expert report on September 11, 2020. Under the parties’ agreed-upon schedule, they would use the remaining three weeks in September conduct expert depositions and serve surrebuttal reports, to the extent necessary.

In light of Governor Cuomo’s mandatory two-week quarantine order, however, the parties do not believe there is any way they can proceed under the agreed-upon schedule, or any schedule, in order to complete expert discovery by the current September 30 deadline.

The parties therefore respectfully request that expert discovery be stayed until such time that Governor Cuomo’s quarantine order is lifted or when South Carolina is removed from New York’s “quarantine” list, whichever occurs first. At which point, the parties will provide the Court with a proposed expert discovery schedule of a duration that substantially aligns with the Court’s current order.



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Respectfully submitted,

/s/Michael T. Zoppo
Michael T. Zoppo (MZ-8469)
FISH & RICHARDSON P.C.
7 Times Square, 20th Floor
New York, NY 10036
Tel. (212)765-5070
Email:zoppo@fr.com

(Counsel for Plaintiff)

/s/Lucas Issacharoff (with permission)
Lucas Issacharoff
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
Tel.: (212) 637-2737
Email: Lucas.Issacharoff@usdoj.gov

(Counsel for Defendants)

Expert discovery is hereby stayed until September 15, 2020. On or before September 10, 2020, the parties shall file a joint status letter indicating whether expert discovery can proceed or if an additional stay is requested. If South Carolina is removed from New York's quarantine list or if the parties determine that they can proceed with expert discovery before September 15, 2020, they shall immediately inform the Court and provide a revised expert discovery schedule in compliance with the Court's Individual Rules.

The Clerk of Court is respectfully directed to close the open motion at Dkt. No. 77.

SO ORDERED.

Dated: August 3, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

A handwritten signature of Lorna G. Schofield is written over a horizontal line. Below the signature, the name "LORNA G. SCHOFIELD" is printed in capital letters, followed by "UNITED STATES DISTRICT JUDGE" in a slightly smaller font.